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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,958	02/26/2002	David C. Loda	02-179	5005

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EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,958

Applicant(s)

LODA, DAVID C.

Examiner

Greg Bengzon

Art Unit

2144

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Art Unit: 2144

DETAILED ACTION

This application has been examined. Claims 1-19 are pending. Claims 2-, 5-11 and 13 have been amended. New Claim 19 has been added.

Priority

The effective date of the Claims described in this application is February 26, 2002.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on September 11, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claims 1, 13,14 recite 'a mobile platform'.

Claims 15, 16, 17 recite 'issuing control commands to said at least visual device from said at least one electronic device'.

Claim 18 recite 'wherein said receiving of said visual data is limited by a community affiliation'.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 15, 16, 17 recite 'issuing control commands to said at least visual device from said at least one electronic device'.

Claim 18 recites 'wherein said receiving of said visual data is limited by a community affiliation'.

Though the statute does not use the term "undue experimentation," it has been interpreted to require that the claimed invention be enabled so that any person skilled in the art can make and use the invention without undue experimentation. The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.

The Examiner notes that specification was not enabling with respect to the said claims at issue, noting further that there was no considerable direction and guidance in the specification; that there was no evidence presented by the Applicant of a high level of skill in the art at the time the application was filed; and also no evidence presented that all of the methods needed to practice the invention were well known.

Art Unit: 2144

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,13, and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 13,14 recite 'a mobile platform'. The Examiner notes that said limitation may cause undue confusion or misinterpretation. The claim language does not indicate whether the Applicant is referring to 1) a mobile operating system software, 2) a mobile device hardware, or 3) a transport mechanism.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charles (US Patent 6449103) in view of Pugliese et al. (US Publication 20010044751), hereinafter referred to as Pugliese.

Charles substantially discloses the features of the invention described in the claims below.

1. (original) An integrated system comprising: (Figures 177-180, Column 9 Lines 30-50, Column 59 Lines 10-25) a portal (Figure 180, Column 15 Lines 45-65, Column 58 Lines 15-35); at least one wireless local area network in communication with a server (Figure 178-179, Items 179e) ; at least one mobile platform in wireless communication with said at least one wireless local area network; (Figure 179, Items 179t, 179r, Column 59 Lines 5-25, Column 60 Lines 1-15)

2. (currently amended) The integrated system of claim 1 wherein said portal may be accessed by at least one mobile device in communication with said portal. (Figure 180 Item 180a, Column 58 Lines 15-35)
3. (original) The integrated system of claim 1 wherein said at least one local area network is physically integrated with said server. (Figure 179c)
4. (original) The integrated system of claim 1 wherein said at least one local area network is in wireless communication with said server. (Figure 179, Column 16 Lines 1-15)
5. (currently amended) The integrated system of claim 2, wherein said at least one mobile device comprises a PC tablet. (Figure 178)
6. (currently amended) The integrated system of claim 1, further comprising a borescope and said borescope being in communication with a mobile device. (Figure 64, Figure 137, Figure 177i, Column 16 Lines 1-15, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

Art Unit: 2144

7. (currently amended) The integrated system of claim 6, wherein said borescope communicates with said mobile device via a data feed wire. (Figure 64, Figure 180, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

8. (currently amended) The integrated system of claim 7, wherein said mobile device comprises at least one USB port for receiving said data feed wire. (Figure 64, Figure 180, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

9. (currently amended) The integrated system of claim 2, further comprising a visual data device in communication with said at least one mobile device. (Figure 64, Figure 180, Column 45 Lines 55-60, Column 46 Lines 35-50, Column 47 Lines 20-30)

10. (currently amended) The integrated system of claim 19, wherein said stereographic viewing system comprises a stereo image lens in communication with said at least one mobile device. (Figure 177-180, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50)

11. (currently amended) The integrated system of claim 10, wherein said at least one mobile device comprises at least one USB port for receiving data from said stereo image lens. (Figure 177-180, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50)

Art Unit: 2144

13.(currently amended) The integrated system of claim 1, wherein said server is located on said at least one mobile platform . (Figure 179, Items 179t, 179r, Column 47 Lines 20-30, Column 59 Lines 5-25, Column 60 Lines 1-15)

14. (original) A method for providing remote, interactive visual analysis of an apparatus, (Figures 177-180, Column 9 Lines 30-50, Column 59 Lines 10-25) comprising the steps of: providing a portal, said portal in communication with at least one electronic device (Figure 180, Column 15 Lines 45-65, Column 58 Lines 15-35) ; integrating said server into a wireless local area network; (Figure 178-179, Items 179e) connecting at least one mobile platform to said local area network; providing visual data from at least one visual device to said at least one mobile platform; and receiving said visual data at said at least one electronic device. (Figure 179, Items 179t, 179r, Column 59 Lines 5-25, Column 60 Lines 1-15, Column 30 Lines 10-15, Column 47 Lines 20-30, Column 54 Lines 25-50)

19. (new) The integrated system of claim wherein said visual data device comprises a stereographic viewing system. (Column 30 Lines 10-15, Column 54 Lines 25-50)

However Charles does not disclose certain features of the invention, such as using a server hosting a website, such that users are able to access visual data via a web page. While Charles discloses of using control means for games and robotic

Art Unit: 2144

devices, interactive input devices and goggles in conjunction with the remote visual device, Charles does not disclose of operating the visual device via a website.

Pugliese discloses an online shopping portal that allows registered users and merchants to communicate via an interactive video communication system via a website. Pugliese discloses of users being able to remotely operate the video camera in order to view products from the merchant store.

Pugliese discloses features of the invention as described in the Claims below.

1. a server communicating with said portal and a means for enabling two-way communications between said portal and said server. (Figure 2-4, Paragraph 8-10, Paragraph 156-166)

14. providing a server two-way communication with said portal via the internet. (Figure 2-4, Paragraph 8-10, Paragraph 156-166)

12. (original) The integrated system of claim 1, wherein said server is addressable by a unique IP address and wherein said server hosts at least one web page. (Figure 2-4, Paragraph 8-10, Paragraph 156-166, Paragraph 268)

Art Unit: 2144

15. (original) The method of claim 14 comprising the additional step of issuing control commands to said at least one visual device from said at least one electronic device. (Figure 2-4, Paragraph 8-10, Paragraph 156-166)

16. (original) The method of claim 15, wherein said control commands are issued response to receiving said visual data by said at least one electronic device. (Figure 2-4, Paragraph 8-10, Paragraph 156-166)

17. (original) The method of claim 16, further comprising altering an orientation of said visual device in accordance with said control commands. (Figure 2-4, Paragraph 8-10, Paragraph 156-166)

18. (original) The method of claim 14, wherein said receiving of said visual data is limited by a community affiliation of said one or more electronic devices. (Figure 2-4, Paragraph 8-10, Paragraph 156-166)

Charles and Pugliese are analogous art because they present concepts and practices regarding electronic distribution, processing, and viewing of visual data via a remote visual device. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Pugliese regarding website portals that host interactive video communications into the method and apparatus of Charles. The said combination would enable the method and apparatus of

Art Unit: 2144

Pugliese to manage an Internet website for coordinating viewing of the visual data, and to allow users to remote operate the visual device by issuing commands via said website. The suggested motivation for doing so would have been, as Pugliese suggests, so that users at the remote site may be able to hold interactive sessions with and obtain input from knowledge experts at other remote sites. (Paragraph 6)

Thus it would have been obvious to combine the teachings of Pugliese into the method and apparatus of Charles in order to obtain the invention as described in Claims 1-19.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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